

Harrisburg to its current trackage rights at Reading to permit fluid through movements between CP Kase, PA, and the Philadelphia, PA area.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33745, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Diane P. Gerth, Esq., Leonard, Street and Deinard, 150 South Fifth Street, Minneapolis, MN 55402.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: May 6, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 99-12114 Filed 5-13-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33745]

Delaware and Hudson Railway Company d/b/a Canadian Pacific Railway—Trackage Rights Exemption—Norfolk Southern Railway Company

Norfolk Southern Railway Company (NS) has agreed to grant overhead trackage rights to Delaware and Hudson Railway d/b/a Canadian Pacific Railway (D&H) over NS's trackage described as: (1) the Harrisburg Line, between the connection with the Pittsburgh Line at CP Harris, at or near milepost 112.9, in Harrisburg, PA, and CP Walnut, at or near milepost 58.6, in Reading, PA, a distance of approximately 54.3 miles; (2) the Reading Line, between the connection with the Harrisburg Line at CP Wyomissing Jct., at or near milepost

9.4, and the connection with the Reading Belt Branch at CP Valley, Jct., at or near milepost 8.7, all in Reading, a distance of approximately 0.7 miles; and (3) the Reading Belt Branch, between CP Cumru, at or near milepost 11.0, in Reading, and CP Bird, at or near milepost 18.5, in Birdsboro, PA, a distance of approximately 7.5 miles.

The transaction is scheduled to be consummated on May 31, 1999.

The trackage rights will permit D&H to connect its current trackage rights at Harrisburg to its current trackage rights at Reading to permit fluid through movements between CP Kase, PA, and the Philadelphia, PA area.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33745, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Diane P. Gerth, Esq., Leonard, Street and Deinard, 150 South Fifth Street, Minneapolis, MN 55402.

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Decided: May 6, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 99-12263 Filed 5-13-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33743]

Pioneer Railcorp—Acquisition of Control Exemption—The Garden City Western Railway, Inc.

Pioneer Railcorp (Pioneer), a noncarrier holding company, has filed a notice of exemption to acquire control

of The Garden City Western Railway, Inc. (GCW), a Class III rail carrier, operating in the State of Kansas.¹

The transaction was scheduled to be consummated on or shortly after May 7, 1999.

Pioneer currently controls fourteen existing shortline rail carriers, thirteen directly and one indirectly.²

Pioneer states that: (i) the railroads do not connect with each other; (ii) the transaction is not part of a series of anticipated transactions that would connect the railroads with each other; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. See 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33743, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of all pleadings must be served on John D. Heffner, Esq., Rea, Cross & Auchincloss, 1707 L Street, N.W., Suite 570, Washington, DC 20036.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: May 7, 1999.

¹ See *The Garden City CO-OP, Inc.—Acquisition and Operation Exemption—Between Garden City and Wolf, in Finney County, KS*, Finance Docket No. 30091 (ICC served Dec. 30, 1982) and *The Garden City CO-OP, Inc.—Corporate Family Transaction Exemption—The Garden City Western Railway Co. and The Garden City Northern Railway Co.*, Finance Docket No. 31861 (ICC served May 8, 1991).

² See *Pioneer Railcorp and Wabash & Western Railway Co.—Acquisition of Control Exemption—Michigan Southern Railroad Co., Inc.*, STB Finance Docket No. 33704 (STB served Jan. 28, 1999).